

Appl. No. : 10/657,843  
Filed : September 9, 2003

### REMARKS

Claims 3, 4, 6-19, and 40-96 are pending in this application. Claims 1-2, 5, and 20-39 have been canceled. Claims 3, 4, and 40-46 have been amended. New Claims 47-96 have been added. Support for the amendments and new claims is found in the specification and claims as filed.

#### **Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's indication of allowability with respect to Claims 6-19 if the double patenting rejections are overcome, and Claims 45 and 46 if rewritten in independent form to include all limitations of the base claim and any intervening claims, and if the double patenting rejections are overcome.

#### **Obviousness-Type Double Patenting Rejections**

Claims 1-5 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-23 and 25-43 of copending Application No. 09/916,588 [sic] in view of Rhodes et al. WO92/13271 (It is assumed that the application referred to is Application No. 09/916,858). Claims 1-5 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 33-42, 48, 49, and 54-87 of copending Application No. 09/447,227 in view of Rhodes et al. WO92/13271. Claims 6-46 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-23 and 25-43 of copending Application No. 09/916,858. Claims 6-46 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 33-42, 48, 49, and 54-87 of copending Application No. 09/447,227. Claims 1-46 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-320 of Patent No. 6,741,877. Claims 39 and 40 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-320 of Patent No. 6,001,067.

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The Applicants herewith submit terminal disclaimers over Application No. 09/916,858, Application No. 09/447,227, Patent No. 6,741,877, and Patent No. 6,001,067 to overcome these rejections.

**Claim Rejection - 35 U.S.C. §102(b)**

Claim 39 has been rejected under 35 U.S.C. §102(b) as being anticipated by Picha (U.S. 5,706,807). Although Applicants do not agree with the propriety of the rejection, Claim 39 has been canceled without prejudice, solely to facilitate issuance of the claims indicated to be allowable. Applicants reserve the ability to pursue the canceled claim, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

**Claim Rejection - 35 U.S.C. §102(b)**

Claims 20-22 and 24-28 have been rejected under 35 U.S.C. §102(b) as being anticipated by Rhodes et al. (WO92/13271). Although Applicants do not agree with the propriety of the rejection, Claims 20-22 and 24-28 have been canceled without prejudice, solely to facilitate issuance of the claims indicated to be allowable. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

**Claim Rejection - 35 U.S.C. §103(a)**

Claims 1-5, 29-38, and 40-44 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Rhodes et al. in view of Picha. Although Applicants do not agree with the propriety of the rejection, Claims 1, 2, and 29-38 have been canceled without prejudice, solely to facilitate issuance of the claims indicated to be allowable. Claims 3 and 4 have been amended to depend from allowable Claim 6, and Claims 40-44 have been amended to depend from allowable Claim 45. Applicants reserve the ability to pursue the canceled claims, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

**Claim Rejection - 35 U.S.C. §103(a)**

Claim 23 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rhodes et al.. Although Applicants do not agree with the propriety of the rejection, Claim 23 has been

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canceled without prejudice, solely to facilitate issuance of the claims indicated to be allowable. Applicants reserve the ability to pursue the canceled claim, or similar claims, in one or more continuing patent applications. The rejection is therefore moot.

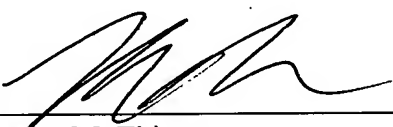
**Conclusion**

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any remaining concerns that might prevent the prompt allowance of the application, the Examiner is respectfully invited to contact the undersigned at the telephone number below.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: Oct 8, 2004

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